

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION**

CHARLES A. WINSTON,  
ADC #84733

PLAINTIFF

V.

2:12CV00235-SWW-JTK

CHARLES STEWART., et al.

DEFENDANTS

**ORDER**

The Court has received proposed findings and recommendations from United States Magistrate Judge Jerome T. Kearney. After a review of those proposed findings and recommendations, and the timely objections received thereto, as well as a de novo review of the record, the Court adopts them in their entirety. Accordingly,

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion to Amend (Doc. No. 15) is GRANTED;
2. Defendants' Motion to Dismiss (Doc. No. 5) is DENIED as moot;
3. Defendants' Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 16) is GRANTED in part, with respect to Plaintiff's monetary claims against them in their official capacities and Plaintiff's claims against Defendants Wilkins and May;
4. Defendants' Motion to Dismiss (Doc. No. 16) is DENIED in part, with respect to Plaintiff's retaliation claims against Defendants Stewart, Burl, Earl, Naylor, and Hobbs.
5. Defendants' Motion to Consolidate (Doc. No. 20) is DENIED;

IT IS SO ORDERED this 9<sup>th</sup> day of April, 2013.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE